

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JERRY WORD, SHANA ROMAINÉ
WORD, and LUCKI SHARRON WORD,

Plaintiffs,

v.

Case No. 05-74500

UNITED STATES OF AMERICA,

HONORABLE AVERN COHN

Defendant.

**ORDER GRANTING PLAINTIFFS' APPLICATION TO PROCEED
IN FORMA PAUPERIS, DISMISSING COMPLAINT AS FRIVOLOUS, AND
DENYING PLAINTIFFS' APPLICATION
FOR APPOINTMENT OF COUNSEL AS MOOT**

Plaintiffs Jerry Word, Shana Romaine Word, and Lucki Sharron Word (collectively referred to as the Words), proceeding pro se, have filed suit against the United States of America.

Jerry Word, on behalf of plaintiffs, seeks to proceed in forma pauperis. He also seeks, on behalf of plaintiffs, appointment of counsel. Based upon the information in the Application to Proceed In Forma Pauperis, the Court, pursuant to 28 U.S.C. § 1915, grants plaintiffs in forma pauperis status. For the reasons that follow, however, the Court shall dismiss the Words' complaint as frivolous pursuant to 28 U.S.C. § 1915(e)(2).

The screening procedures § 1915 establishes apply to complaints filed by non-prisoners and prisoners. McGore v. Wrigglesworth, 114 F.3d 601, 604 (6th Cir. 1997). Section 1915(e)(2) allows the Court to dismiss a complaint at any time if it determines that the case is frivolous or malicious, that the plaintiff fails to state a claim upon which relief

may be granted, or that the complaint seeks relief against a defendant who is immune from such relief. A complaint “is frivolous where it lacks an arguable basis either in law or in fact.” Neitzke v. Williams, 490 U.S. 319, 325 (1989).

The Court has read the complaint. From what can be gleaned, the Words appear to claim that Jerry Word and his children, Shana Romaine Word and Lucki Sharron Word, suffered money damages totaling \$6.5 million as a result of Perteacher Drone (Drone), a United States probation officer, allegedly incorrectly calculating Jerry Word’s offense level under the United States Sentencing Guidelines following Jerry Word’s 1997 conviction for being a felon in possession of a firearm. The Words allege in the complaint that, because of Drone’s alleged incorrect offense level calculation, Jerry Word was incarcerated for a longer period than he would have been had his offense level been calculated differently. Jerry Word alleges that Drone deprived him of his liberty and due process. His children claim that Drone deprived them of parental consortium.

The Court can discern no claim that has an arguable basis in law. Accordingly, the Court concludes that the complaint is frivolous under 28 U.S.C. § 1915(e)(2) because it sets forth no arguable legal claim.

IT IS ORDERED that the complaint is DISMISSED as frivolous pursuant to 28 U.S.C. § 1915(e)(2). Accordingly, the Words’ Application for Appointment of Counsel is DENIED AS MOOT. In light of this disposition, the Court certifies that any appeal also would be frivolous. 28 U.S.C. § 1915(a)(3).

Dated: December 13, 2005
Detroit, Michigan

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE